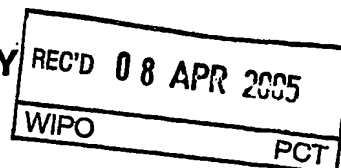


REPLACED BY  
ANNEX 34 AMST.

PATENT COOPERATION TREATY



PCT



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

10/543000

Applicant's or agent's file reference L0001PCTWO36		<b>FOR FURTHER ACTION</b> See Form PCT/PEA/416	
International application No. PCT/EP2004/000507		International filing date (day/month/year) 22.01.2004	Priority date (day/month/year) 29.01.2003
International Patent Classification (IPC) or national classification and IPC B65G51/03			
Applicant LANFRANCHI S.R.L.			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau) a total of 1 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 04.11.2004		Date of completion of this report 08.04.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Papatheofrastou, M Telephone No. +31 70 340-4422 	

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/EP2004/000507

## Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

### Description, Pages

1-6 as originally filed

### Claims, Numbers

1-5 as originally filed

### Drawings, Sheets

2/2 as originally filed

1/2 received on 05.11.2004 with letter of 03.11.2004

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/EP2004/000507

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	1-5
	No: Claims	
Inventive step (IS)	Yes: Claims	2-5
	No: Claims	1
Industrial applicability (IA)	Yes: Claims	1-5
	No: Claims	

**2. Citations and explanations (Rule 70.7):**

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(SEPARATE SHEET)**

International application No.

PCT/EP2004/000507

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

2. Reference is made to the following documents:

- D1: US-A-5 542 789 (KINCAID LARRY ET AL) 6 August 1996 (1996-08-06)
- D2: DE 201 02 557 U (VOLK & NADENAU GMBH) 25 October 2001 (2001-10-25)
- D3: US-A-5 246 314 (HILBISH BRIAN K ET AL) 21 September 1993 (1993-09-21)

**Lack of inventive step**

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT.

**Claim 1**

2.2 The document **D1** is regarded as being the closest prior art to the subject-matter of claim 1, and discloses in column 4, line 60 to column 6, line 30, figures 1-11 (the references in parentheses applying to this document):

An air transport device (10) for plastic vessels (12) equipped with a projecting collar (20) and equipped with a sliding lane (26) that enters bellow the vessel collar (20) and with guides (42) of the vessel body (12) placed in a sliding recess of said body (12), where it provides adjusting means of the horizontal guide position with respect to the vertical vessel axis or the sliding lane (26), said means being able to be simultaneously driven through a processor in which characteristic dimensional data of the various vessels (12) to be transported are entered.

The subject-matter of claim 1 therefore differs from this known air transport device in D1 in that:

It additionally provides adjusting means of the vertical guide position.

- 2.3 The problem to be solved by the present invention may therefore be regarded as how to also provide vertical adjustment of the vessel body guides.
- 2.4 The solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons.

The overmentioned distinguishing features have already been employed for the same purpose in a similar transport device for plastic vessels, see document **D2**, page 4, line 5 to page 5, line 5, page 7 line 1 to page 8, line 1, figures 1-4. It would be obvious to the person skilled in the art, namely when the same result is to be achieved, to apply these features with corresponding effect to a transport device for plastic vessels according to document **D1**, thereby arriving at a transport device for plastic vessels according to claim 1.

- 2.5 Claim 1 has been interpreted as that the device provides **first** adjusting and **second** adjusting means. The applicant should note that **D3 is novelty destroying** considering one adjusting means with double action (in x and y axis), since claim 1 does not include the technical feature of independent adjusting means, i.e. that the two adjusting means are independent of each other.

#### **Dependent claims**

- 2.6 The combination of the features of dependent claim 2 is neither known from, nor rendered obvious by, the available prior art. The reasons are as follows:

Neither **D1** nor **D2** disclose horizontal adjusting means for the position of the guides comprising a ratio-motor meshing with a threaded bar at one end of which a guide clamp is securely fixed.

- 2.7 The combination of the features of dependent claims 3-5 is neither known from, nor rendered obvious by, the available prior art.

FIG.1

